

**DOD FEDERAL CIVILIAN EMPLOYEES ORDERED TO ACTIVE DUTY
FOR OPERATION ENDURING FREEDOM, OPERATION NOBLE EAGLE OR
OTHER CONTINGENCY OPERATIONS**

The following questions and answers are provided for those reservists who have been ordered to active duty as a result of the September 11, 2001, tragedy.

SECTION I. BENEFITS

A. Federal Employee Health Benefit Insurance

Q1. What happens to my health benefits if I am called to active duty?

A1. If you are called to active duty for 30 days or less, your health benefit enrollment will continue without change. Your withholdings and contributions will also continue as long as you are in a pay status or until your military orders are changed so that your period of duty is more than 30 days. If you are leave without pay during the 30 day period, you will be responsible for paying the employee contribution after you return to a pay status.

If you are called to active duty for more than 30 days, you may elect to continue your health benefit enrollment for up to 18 months, even if you separate to enter on active duty. If you elect to continue enrollment, you may be eligible to have your agency pay both your share, as well as the government share, during the entire 18 month period, once procedures to implement this policy are issued. In addition, if you previously paid your share of the health benefits premium while you were on active duty in support of a contingency operation, you may be eligible to be reimbursed for the premiums you paid, once procedures to implement this retroactive provision are issued.

You may also elect to terminate your enrollment before entering active duty. If you choose to terminate your enrollment, your employing agency must be notified immediately. The effective date of your termination of enrollment will be the day you are separated, furloughed, or placed on leave of absence for entering military service. This applies even if part of your military service is covered by paid leave immediately followed by furlough or other leave without pay. You and your covered family members are entitled

to a 31-day extension of coverage and convert to an individual contract.

Q2. I terminated my health benefits enrollment when called to active duty. When I am reemployed, will my health benefits coverage be continuous?

A2. Military health benefit coverage usually ends on the day of discharge from military service. Your civilian service health benefit coverage can be reinstated upon your reemployment. It would become effective on the day you return to civilian duty and is not retroactive to the date you separated from military service, so there could be a gap in coverage.

B. Federal Employees Group Life Insurance (FEGLI)

Q1. What happens to my life insurance coverage if I am called to active duty?

A1. If you are placed in a leave without pay status, your life insurance coverage will continue for up to 12 months at no cost to you. After 12 months, there is a 31-day extension of coverage to allow you to convert to a non-group policy.

If you elect to separate from civilian service, you are considered to be on military furlough (in leave without pay status) for the purpose of FEGLI coverage.

Q2. If I can keep the free coverage for up to 12 months, what happens if my active duty orders extend beyond the 12 months.

A2. At the end of 12 months in a nonpay status, the FEGLI coverage terminates. You will get a free 31-day extension of coverage and have the right to convert to a non-group policy.

C. Thrift Savings Program (TSP)

Q1. I participate in the Thrift Savings Plan (TSP) in my Civil Service job and also intend to participate as a Reservist. What are the impacts when I am called to full time military duty and am in a leave without pay status from my civilian job?

A1. TSP deductions will be withheld from your uniformed service pay earned after January 1, 2002 as a Reservist called to full time military duty according to the elections you have made for your military account. The deductions will continue as long as you receive uniformed service pay. Since you are in a leave without pay status, there will be no contributions to your civilian account.

When you return to your Civil Service job, you may be entitled to make up contributions, if your return is covered under the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. The amount of TSP contributions that you may make up will be determined by the civilian TSP contribution elections that you made (or could have made) for the period of your military service. This amount must be reduced by the amount that you actually contributed to your military account. If you are a FERS participant, agency matching contributions will be made on the reduced amount only.

Q2. I currently am repaying a TSP loan through deductions from my civilian salary. What are the impacts when I am called to full time military duty and am in a leave without pay status from my civilian job?

A2. TSP loan repayments may only be made through payroll deductions. Complete guidelines for repayment of TSP loans may be found in TSP Bulletins 01-22 and 95-13. Therefore, there will be no payments made to your loan while you are on active military duty and in a leave without pay status. The effect to the loan will depend on how long you are in a leave without pay status.

- If you are in a leave without pay status for less than 90 days, the loan payment schedule will be extended.
- If you are in a leave without pay status for more than 90 days but less than one year, you must reamortize the loan when you return to a pay status. If you do not reamortize the loan or pay it in full, a taxable distribution will be made.

If you return to your Civil Service job under the provisions of USERRA, you may be able to reverse this taxable distribution. In order to do so, you must

return the full amount of the taxable distribution that was previously made. You will then become eligible to have a loan reestablished.

- If you are in a leave without pay status for more than one year, you must pay the loan in full at the end of the first year of non pay status. If you do not repay the loan at the end of the first year of non pay status, you will be subject to a taxable distribution for the unpaid loan principal and any accrued interest.

If you return to your Civil Service job under the provisions of USERRA, you may be able to reverse this

taxable distribution. In order to do so, you must return the full amount of the taxable distribution that was previously made. You will then become eligible to have a loan reestablished.

D. Retirement Coverage

Q1. When I am called to active duty as a reservist, what happens to my retirement account for the period of leave without pay for military service?

A1. If you are placed in an LWOP status while performing active military duty, you continue to be covered by the retirement law i.e. the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS). When you return to your civilian position, you will have to pay a deposit for your military service (unless you were first hired under CSRS before 10/01/82. Employees who were first employed by the Federal government under CSRS before 10/01/82 will have the option of either; (1)making the seven percent deposit for post-1956 military service, thereby avoiding a reduction in annuity at age 62: or (2) receiving credit for the service and having their annuity adjusted at age 62 if eligible for Social Security benefits. If you are restored under the provisions of USERRA, your deposit will be the lesser of the regular military service deposit or the amount of retirement deductions that should have been taken from your civilian pay.

Q2. What if I choose to separate from civil service?

A2. If you separate to enter active military duty, you will receive retirement credit for the period of separation when you exercise restoration rights to your civilian position. If you do not exercise the restoration right, but later re-enter Federal civilian service, your military service may be credited under the retirement system, subject to the rules governing credit for military service.

SECTION II. LEAVE

A. Law Enforcement Leave

Q1. Am I entitled to law enforcement leave as a military reservist, or member of the National Guard or District of Columbia (DC) National Guard?

A1. An additional 22 days (176 hours) of law enforcement leave may be authorized for military reservists called up "to assist domestic civilian authorities to enforce the law or protect life and property". The military orders must cite 5 USC, Section 6323 or 10 USC, Sections 331, 332, 333, and 12406.

National Guard technicians called up under authorities of the States under 32 USC, Section 502(f), to support homeland defense, performing activities such as providing additional security at airports, are entitled to law enforcement leave.

The specific authorities governing general call-ups of military reservists and National Guard may be found in 10 USC, Sections 688, 12301, 12302, 12304, 12305, and 12306. Generally, employees called up under these authorities only and primarily in support of the President's September 14, 2001, "Declaration of National Emergency by Reason of Certain Terrorist Attacks" are not entitled to law enforcement leave.

A member of the National Guard of the District of Columbia may be called to perform duties under 5 USC 6323(c) to participate in a "parade or encampment." The law provides that this type of duty must be authorized under title 39 of the District of Columbia Code. This category of military leave is limited to drills and training under the authority of the Commanding General of the DC National Guard and is

not appropriate for extended active duty in connection with the current national emergency.

Q2. I received my civilian salary and military pay while performing law enforcement leave. Am I entitled to both?

A2. No. When you elect to use law enforcement leave, your civilian pay is reduced by the gross military pay and allowances (other than travel, transportation, or per diem allowance) you receive for military service as a member of the Reserve or National Guard. This applies whether payment for military service was paid from federal or state funds.

You must provide a copy of your orders, a certificate of attendance and a leave and earnings statement(s) for the military pay to your customer service representative (CSR). The CSR will furnish your payroll office the information and you will be contacted regarding actions that will be taken. If you are unable to produce this information, the military pay entitlement should be obtained from the military organization concerned. The offset can be accomplished by a cash collection or by payroll deductions.

B. Military Leave

Q1. I currently have a military leave balance and am entitled to the new fiscal year's military leave hours on October 1, 2001. Can I use the new fiscal years hours in addition to my current balance?

A1. Yes. When you perform active military duty, you may request paid military leave, including any prior carryover balance. You are also entitled to use any new fiscal year military leave entitlement. In this situation you may also request to use annual leave, restored annual leave, compensatory time earned or credit hours to your credit.

C. Annual Leave

Q1. I have an accumulated annual leave balance. May I use annual leave while on active duty military leave? If so, must it be used before or after my military leave?

A1. Yes. You may elect to use annual leave. The annual leave to your credit may be used alone or in combination

with other types of leave. If you choose to use this type of paid leave, you will continue to receive compensation from your civilian position for all hours charged to annual leave in addition to your military pay for the same period.

Q2. May I elect to be paid for my accrued annual leave?

A2. Yes. When you enter into active military duty under LWOP, you may choose to (1) have your annual leave remain to your credit until you return to your civilian position, or (2) receive a lump-sum payment for all accrued and accumulated annual leave. There is no requirement to separate from a civilian position in order to receive a lump-sum payment under 5 U.S.C. 5552.

Q3. If I resign, will my accrued annual leave balance be automatically paid?

A3. Yes. Any accumulated annual leave balance will be paid in the pay period you resign.

D. Restored Annual Leave

Q1. I have a restored annual leave balance. May I use that balance or will I be paid for the leave?

A1. Yes. You may use restored annual leave under LWOP for active military duty. If you choose to use this type of leave you will continue to receive compensation from your civilian position for all hours charged to restored annual leave hours in addition to your military pay for the same period. However, if you separate from your civilian position, an agency must make a lump-sum payment for any restored annual leave under 5 U.S.C. 6304(d).

E. Compensatory Time

Q1. I have a compensatory time balance. May I use this time when called to active duty?

A1. Yes. Any accumulated compensatory time balance can be used alone or in combination with other types of leave. If you choose to be paid for earned compensatory time, you will continue to receive compensation from your civilian position for all hours charged to compensatory time in addition to your military pay for the same period.

Q2. If I resign, will my accrued compensatory time balance be automatically paid?

A2. Yes. Any accumulated compensatory time balance will be paid in the pay period you resign. Payment will be based on the rate in effect at the time the compensatory time was earned.

F. Credit Hours

Q1. I have a credit hour balance. May I use this time when called to active duty?

A1. Yes. Any accumulated credit hour balance may be used alone or in combination with other types of leave. If you choose to be paid for this type of leave you will continue to receive compensation from your civilian position for all hours charged to credit hours in addition to your military pay for the same period.

Q2. If I resign, will my accrued credit hour balance be automatically paid?

A2. Yes. Any accumulated credit hour balance will be paid in the pay period you resign.

G. Time-Off Award

Q1. I have a time-off award balance. May I use this balance when called to active duty?

A1. Yes. Any time-off award balance may be used alone or in combination with other types of leave. If you choose to be paid for this type of award, you will continue to receive compensation from your civilian position for all hours charged to time-off award in addition to your military pay for the same period.

Q2. If I resign, will my accrued time-off award balance be automatically paid?

A2. No. A time-off award granted under 5 CFR, subpart 451.104 shall not be converted to a cash payment under any circumstances.

H. Sick Leave

Q1. May I use my accumulated sick leave when called to active duty?

A1. No. A reservist can not use sick leave when ordered to active duty.

I. Religious Compensatory Time

Q1. I have a religious compensatory time balance. May I use these hours when called to active duty?

A1. No. Religious compensatory time is specifically granted at the employee's request for religious observances when the employee's personal religious beliefs require that the employee abstain from work during certain periods of the workday or workweek.

Q2. If I resign, will my accrued religious compensatory time balance be automatically paid?

A2. Yes. Any accumulated religious compensatory time balance will be paid in the pay period you resign. Payment will be based on the pay rate in effect at the time the payment is computed.

SECTION III GARNISHMENTS/INDEBTEDNESS

A. GARNISHMENTS

Q1. Currently, a support or commercial garnishment is deducted from my civilian pay. Will the garnishment(s) be deducted from my uniformed service pay when I am called up to full-time military service?

A1. No. If you have a support garnishment you will need to notify DFAS Cleveland Garnishment Operations at 216-522-5301 or use the email notification from the Garnishment mail box listed under Money Matters at DFAS.mil. If you have a commercial garnishment, the deductions will stop

upon your entrance to active duty. If the creditor desires to pursue collections, they will have to submit a request for involuntary allotment pursuant to DOD regulations.

Q2. Currently, indebtedness is deducted from my civilian pay. Will the debt(s) be deducted from my uniformed service pay when I am called up to full-time military service?

A2. Your civilian payroll office will not transfer debts for deduction from your uniformed service pay. These debts will be suspended until your return from military duty. If you have a debt that you want to continue to pay, you will need to complete the required forms and submit them to the your unit.

SECTION IV Foreign/Nonforeign allowances and differentials

A. Nonforeign

Q1. My current duty station is in a nonforeign cost of living area. Does my entitlement to nonforeign COLA continue while in a LWOP status for military service?

A1. No. Once a member of a reserve component is called to active duty from a residence in a nonforeign area, military allowances take effect. Therefore, there is no entitlement to allowances or differential from your civilian position. Further, if you elect to use your military leave or other types of leave that continues your entitlement to compensation from your civilian pay account, the nonforeign COLA will be continued.

B. FOREIGN

Q1. My duty station is in an overseas location and I receive both foreign COLA and foreign post differential, will these entitlements continue while in a LWOP status for military service?

A1. No. A member of a Reserve Component, called (or ordered) from a residence OCONUS to active duty/active for training, is entitled to station allowances. Therefore, your entitlement under your civilian position (foreign COLA or foreign post differential) will terminate upon receipt of military orders. Further, if you elect to use your

military leave or other types of leave that continues your entitlement to compensation from your civilian pay account, the nonforeign COLA will be continued.

Q2. I received, upon moving to an overseas location, an advance of living quarters allowance (LQA) and am receiving payment for my utilities on a biweekly basis. Will I receive Overseas Housing Allowance (OHA) authorized for military members in lieu of my advance?

A2 No. You will not be entitled to your military pay housing allowance. Notification will be provided to your unit in order to cease payment of your military housing allowance. Payment of utilities will continue on a biweekly basis from your civilian position.

Q3. I am currently receiving LQA on a biweekly basis. Will this continue while I am an active duty military member?

A3. No. Your entitlement to LQA will cease and you will be entitled to OHA.

Q4. I am currently repaying an advance of pay authorized for my move to an overseas location. Will I be responsible to continue the repayment during my LWOP for active duty?

A4. No. The indebtedness will be suspended until you return to your civilian service position.

Q5. I am currently repaying an advance of pay authorized for my move to an overseas location. If I resign, how will this indebtedness for an advance of pay be collected?

A5. When you separate, the outstanding balance shall be due in full. The advances of pay are recoverable from your accrued pay, amount of retirement credit and other amounts due you from the government.

SECTION V WEB SITE INFORMATION CIVILIAN/MILITARY

Additional civilian and military pay web sites that contains information on pay, leave, entitlements and benefits are as follows.

A. Civilian

For general information on pay, leave or benefits, select the site index which in alphabetical order and choose your topic:

<http://www.opm.gov/>

Military Leave Fact Sheet:

<http://www.opm.gov/oca/leave/html/military.htm>

Office of Personnel Management frequently asked question on military leave:

<http://www.opm.gov/oca/leave.html.MILQA.htm>

Civilian Personnel Management Service general information:

<http://www.cpms.osd.mil/siteindex/>

Civilian Personnel Management Service attack information:

<http://www.cpms.osd.mil/icuc/attacks/benefits.htm>

B. Military

Some Service Members Eligible For Wartime Pay, Benefits:

http://www.defenselink.mil/news/Oct2001/n10232001_200110233.html

Mobilization Information and Resources Guide:

<http://www.defenselink.mil/ra/mobil/index.html>

Guide to Reserve Family Members Benefits:

<http://www.defenselink.mil/ra/publications/handbooks/benefits.pdf>

United States Code; Title 10 - Armed Forces: Subtitle A- General Military Law; PART II - Personnel: Chapter 55 - Medical and Dental Care:

<http://www4.law.cornell.edu/uscode/unframed/10/1078a.html>

Questions and Answers for Employers and Employees who participate in the National Guard and Reserve:

<http://www.esgr.org/faqmembers.html>

